

Case Ref No: IC 45/2011

THE INDUSTRIAL COURT

**THE TRADE UNION AND LABOUR RELATIONS (NORTHERN IRELAND)
ORDER 1995 (AS INSERTED BY ARTICLE 3 OF THE EMPLOYMENT
RELATIONS (NORTHERN IRELAND) ORDER 1999)**

SCHEDULE 1A – COLLECTIVE BARGAINING – RECOGNITION

DECLARATION OF RECOGNITION

The Parties:

Unite the Union

And

Evron Foods Ltd

INTRODUCTION:

1. Unite the Union submitted an application to the Industrial Court (the Court) dated 7th March 2011 for recognition at Evron Foods Limited, Carn Industrial Estate, Portadown, BT63 5WD. The bargaining unit description was “Despatch Operatives, Production Operatives, Team Leaders, Store Persons” and the location was given as “Portadown Plant”. The Court gave both Parties notice of the application on 9th March 2011. The Employer submitted a response to the Court on 16th March 2011.
2. In accordance with Article 92(A) of the Industrial Relations (Northern Ireland) Order 1992, the Industrial Court Acting Chairman established a Panel of the Court to deal with the case. The Court consisted of Mr Barry Fitzpatrick, Chairman, and, as Members, Mr Bob Gourley and Mr George McGrath. The Case Manager appointed to support the Court was Mr Paul Cassidy.
3. By a decision dated 14th April 2011, the Court accepted the Union’s application. The appropriate bargaining unit was determined at a Hearing held on 20th July 2011 and the Parties were notified of the decision on 20th July 2011.
4. By letter dated 25th July 2011 the parties were asked to participate in a confidential membership check, the results of which were circulated to the Parties. The membership check showed Union membership within the bargaining unit at 59.13%.
5. Paragraph 22(2) of Schedule 1A of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (as amended) requires the Court to issue a declaration that the union is recognised as entitled to conduct collective bargaining on behalf of a group of workers constituting the bargaining unit if it is satisfied that a majority of the workers constituting the bargaining unit are

members of the applicant union, unless any of the three qualifying conditions set out in Para 22(4) apply. If any of these conditions apply, the Court must give notice to the parties that it intends to arrange for a secret ballot to be held.

6. The Parties were invited to make submissions on the three qualifying conditions as set out in Para 22(4). A submission was received from the Union on 19 August 2011; the Employer chose not to make any submission.
7. The Panel examined the first qualifying condition, in paragraph 22(4)(a) of the Schedule, namely:-

“the Court is satisfied that a ballot should be held in the interests of good industrial relations;”
8. Having considered the Case Manager’s Report, the percentage of union membership in the bargaining unit and the submissions of the parties, the Panel was satisfied that the qualifying condition was not satisfied.

Decision

9. Taking into account the check completed by the Case Manager, the subsequent report of these findings submitted to the Court and to the Parties, and the submission from the Union, the Court is satisfied that a majority of the workers constituting the bargaining unit are members of the Union and that none of the conditions set out in Para 22(4) of the Schedule applies. Consequently, the Court **declares** that Unite the Union is recognised as entitled to conduct collective bargaining on behalf of the Workers described as “Despatch Operatives, Production Operatives, Team Leaders and Store Persons” in the Portadown plant of Evron Foods Ltd.

Barry Fitzpatrick

Mr Barry Fitzpatrick
Mr George McGrath
Mr Bob Gourley

Date of Decision: 22 August 2011
Decision Issued to Parties: 6 September 2011